



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
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Paper No. 25

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*FEB 20 2003*

In re Application of :  
Tatsuo Furukawa et al. : DECISION ON REQUEST  
Application No.: 09/374,580 : TO ACCEPT PAPERS  
Filing Date: August 16, 1999 :  
Attorney Docket No.: 862.3016 :

This is a decision on the "REQUEST FOR CLARIFICATION OF RECORD REGARDING PRIORITY DOCUMENTS" filed via facsimile transmission on February 3, 2002. It is also being treated as a request to accept the papers filed with the request as satisfying the "certified copy of the foreign application" requirement set forth in 37 C.F.R. § 1.55(a)(2). Also, see 35 U.S.C. 119(b)(3).

The request is **GRANTED**.

As indicated in the request, applicants were notified telephonically by the examiner that the certified copies of the foreign priority documents that were in the above-noted application were not those identified in the Declaration and other papers.

Petitioner asserts that the certified copies of the correct priority documents were submitted with a Claim to Priority filed on November 17, 1999. To support this assertion, petitioner has submitted a copy of the Claim to Priority and a copy of the front page of each of the three certified copies of the correct priority documents. In addition, petitioner has submitted a copy of a stamped return postcard which properly identifies and acknowledges receipt of the Claim for Priority and the three certified copies of priority applications.

A review of the application file record reveals that the noted Claim to Priority and the certified copies of the correct priority documents having been acknowledged as being received in the PTO on November 17, 1999 is not of record in the application file and cannot be located. However, M.P.E.P. § 503 states that "(a) postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the noted Claim to Priority and the certified copies of the correct priority

documents were timely received but lost after receipt thereof.

For the above stated reason, the request is granted. The copy of the Claim to Priority and the copies of the front pages of the certified copies of the correct priority documents are accepted since the originals were lost. No supplemental Notice of Allowability will be mailed since the Notice of Allowability that was mailed on September 27, 2002 indicated acknowledgement of the claim for priority and receipt of the certified copies of the priority documents. The certified copies of the incorrect priority documents that were in the above-noted application file have been removed and matched with the correct application file.

The above-noted application file is being forwarded to the examiner for consideration of the "RENEWED REQUEST FOR ACKNOWLEDGMENT OF INFORMATION DISCLOSURE STATEMENT AND CONDITIONAL PETITION" filed on October 15, 2002.

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